IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 12054 of 2006(I)

PETITIONER:

K.R.RAMACHANDRAN PILLAI,
INSPECTING ASSISTANT COMMISSIONER OF COMMERCIAL TAXES (INTELLIGENCE), NEDUMKANDAM, IDUKKI.

BY ADV. SRI.C.P.SUDHAKARA PRASAD (SR.)
SRI.ELVIN PETER P.J.

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY ITS SECRETARY, DEPARTMENT OF TAXES, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE COMMISSIONER OF COMMERCIAL TAXES, THIRUVANANTHAPURAM.

3. THE DEPARTMENTAL PROMOTION COMMITTEE(HR) FOR MAKING PROMOTION TO THE POST OF DEPUTY COMMISSIONER, REP. BY ITS CONVENOR, COMMISSIONER OF COMMERCIAL TAXES, THIRUVANANTHAPURAM.

4. MR.JULIUS SMITH,
DEPUTY COMMISSIONER (INTELLIGENCE), COMMERCIAL TAXES DEPARTMENT, ERNAKULAM.

5. MR.P.S.THAMPI, ASSISTANT COMMISSIONER, COMMERCIAL TAXES DEPARTMENT, SPECIAL CIRCLE, KASARAGOD.

6. MR.THOMAS ALEX, INSPECTING ASSISTANT COMMISSIONER, COMMERCIAL TAXES DEPARTMENT, ERNAKULAM.

7. SMT.T.V.KAMALA BAI, ASST.COMMISSIONER, AUDIT ASSESSMENT-I, COMMERCIAL TAXES DEPARTMENT, KOZHIKODE.

8. SMT.P.SIVASUDHA DEVI,
INSPECTION ASSISTANT COMMISSIONER,
COMMERCIAL TAXES DEPARTMENT,
THIRUVANANTHAPURAM.

9. MR.P.SASIDHARAN, ASSISTANT COMMISSIONER,
SPECIAL CIRCLE, COMMERCIAL TAXES DEPARTMENT,
KOZHIKODE.

BY ADV. SRI.ISSAC M.PERUMPILLIL
GOVERNMENT PLEADER SRI.P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 12054 of 2006

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE ORDER DATED 4.9.2000 ALONG WITH THE PROVISIONAL SENIORITY LIST OF ASSISTANT COMMISSIONER IN COMMERCIAL TAXES DEPARTMENT

EXHIBIT-P2: TRUE COPY OF THE MEMO OF CHARGES DATED 19.3.2004 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT

EXHIBIT-P3: TRUE COPY OF THE REPLY DATED 29.4.2004 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

EXHIBIT-P4: TRUE COPY OF THE ORDER DATED 10.11.2004 OF THE 2ND RESPONDENT

EXHIBIT-P5: TRUE COPY OF THE G.O. DATED 17.6.2004 ISSUED BY THE GOVERNMENT

EXHIBIT-P6: TRUE COPY OF THE PETITION DATED 8.7.2004 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT

EXHIBIT-P7: TRUE COPY OF THE ORDER DATED 22.12.2005 IN I.A. NO.19025/05 IN WP(C) 32117/05

EXHIBIT-P8: TRUE COPY OF THE ORDER DATED 18.4.06 ISSUED BY THE GOVERNMENT

EXHIBIT-P9: TRUE COPY OF THE ORDER DATED 7.1.2006 ISSUED BY THE GOVERNMENT

EXHIBIT-P10: TRUE COPY OF THE MEMO OF CHARGES DATED 6.1.2006 WITH STATEMENT OF ALLEGATIONS ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT

EXHIBIT-P11: TRUE COPY OF THE REPLY DATED 21.1.2006 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT

EXHIBIT-P12: TRUE COPY OF THE ORDER DATED 9.3.2006 PASSED BY THE 2ND RESPONDENT

EXHIBIT-P13: TRUE COPY OF SELECT LIST ISSUED BY THE GOVERNMENT AS PER G.O (P) NO.117/07/TD. DATED 8.5.2007

/TRUE COPY/

K.BALAKRISHNAN NAIR,J.

W.P (C) No. 12054 of 2006

Dated this the 6th day of July, 2007

J U D G M E N T

The petitioner while working as Inspecting Assistant Commissioner (Intelligence) approached this court feeling aggrieved by the list prepared by the Departmental Promotion Committee and published by the government for promotion to the post of Deputy Commissioner of Commercial Taxes. During the pendency of the writ petition, he has retired from service also. But, he was promoted provisionally as Deputy Commissioner on the eve of his retirement. Now the Government have published Exhibit-P13 DPC list, in which, he is shown as Rank No.2 among the eligible officers for promotion to the post of Deputy Commissioner during the year 2004. In view of the above position, the petitioner prays the Government may be directed to promote him to one of the vacancies that arose in the year 2004 and grant him all consequential benefits including arrears of salary.

2. Heard the Learned Government Pleader and the Learned Counsel appearing for the party respondents also. The 1st respondent is directed to promote the petitioner in the light of

Exhibit-P13 DPC list, with retrospective effect and grant him the benefits flowing from the promotion, in accordance with law, within three months from the date of production of a copy of this judgment.

The writ petition is disposed of as above.

(K.BALAKRISHNAN NAIR,JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007